IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.107 OF 2007
IN
CRIMINAL APPEAL NO.115 OF 2007

Mr.Ganesh Bharat Patel ...Applicant.

Versus

State of Maharashtra ...Respondent.

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Mr.Prakash Naik, Advocate for the Applicant.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 20th February, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant has been convicted under Sections 420 and 376 of IPC and sentenced to suffer imprisonment for one year and five years respectively. Both the sentences are to run concurrently. The applicant is now seeking bail.

3. The learned Advocate for the applicant has submitted that the age of the prosecutrix was 23 years and it is a case of consent. He has further submitted that it is a case of consent can be seen from the fact that Sangita’s rape did not occur on a solitary occasion, but, it occurred on many

occasions in different hotels like Hotel Plaza and Hotel Rippon. Unless Sangita was not a consenting party, she could not have been raped on so many occasions at various places. Looking to the evidence on record, prima facie, there appears some substance in this submission.

4. The learned Advocate for the applicant He has further submitted that the applicant was on bail during the trial and he has not misused the liberty granted to him. This statement is not controverted by the prosecution.

5. Looking to the above facts, I am inclined to release the applicant on bail.

6. The applicant to be released on bail in the sum of Rs.20000/- with one or two sureties to make up the said amount. The applicant shall report to Gholwad Police Station, Thane once in a month, till the disposal of his Appeal.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)